

## **IC 31-34-5**

### **Chapter 5. Detention Hearing**

#### **IC 31-34-5-1**

##### **Time for hearing; notice**

Sec. 1. If a child taken into custody under IC 31-34-2 is not released, a detention hearing shall be held not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, after the child is taken into custody. If the detention hearing is not held, the child shall be released. Notice of the time, place, and purpose of the detention hearing shall be given to the following:

- (1) The child.
- (2) The child's parent, guardian, or custodian if the person can be located.

*As added by P.L.1-1997, SEC.17. Amended by P.L.35-1998, SEC.6.*

#### **IC 31-34-5-1.5**

##### **Hearing after emergency medical services provider takes custody of child**

Sec. 1.5. (a) This section applies to a child taken into custody under IC 31-34-2.5.

(b) The juvenile court shall hold a detention hearing after an emergency medical services provider takes custody of a child under IC 31-34-2.5. The court shall hold the detention hearing not later than forty-eight (48) hours after the emergency medical services provider takes the child into custody, excluding Saturdays, Sundays, and legal holidays.

(c) The county office of family and children may notify the emergency medical services provider that has taken emergency custody of a child under IC 31-34-2.5 of the detention hearing. The emergency medical services provider may be heard at the detention hearing.

*As added by P.L.217-2001, SEC.7.*

#### **IC 31-34-5-2**

##### **Findings**

Sec. 2. If a child has been removed from the child's parent, guardian, or custodian under IC 31-34-2-3 or IC 31-34-2-4, then, in accordance with federal law, at the detention hearing the court shall make written findings and conclusions that state the following:

- (1) Whether removal of the child authorized by IC 31-34-2-3 or IC 31-34-2-4 was necessary to protect the child.
- (2) A description of the family services available before removal of the child.
- (3) Efforts made to provide family services before removal of the child.
- (4) Why the efforts made to provide family services did not prevent removal of the child.
- (5) Whether the efforts made to prevent removal of the child were reasonable.

*As added by P.L.1-1997, SEC.17.*

### **IC 31-34-5-3**

#### **Release; findings required for detention order**

Sec. 3. The juvenile court shall release the child to the child's parent, guardian, or custodian. However, the court may order the child detained if the court makes written findings of fact upon the record of probable cause to believe that the child is a child in need of services and that:

- (1) detention is necessary to protect the child;
- (2) the child is unlikely to appear before the juvenile court for subsequent proceedings;
- (3) the child has a reasonable basis for requesting that the child not be released;
- (4) the parent, guardian, or custodian:
  - (A) cannot be located; or
  - (B) is unable or unwilling to take custody of the child; or
- (5) consideration for the safety of the child precludes the use of family services to prevent removal of the child.

*As added by P.L.1-1997, SEC.17.*

### **IC 31-34-5-4**

#### **Order to appear for additional detention hearing**

Sec. 4. Upon the juvenile court's own motion or upon the motion of the person representing the interests of the state, the parent, guardian, or custodian of a child who has been released may be ordered to appear with the child for an additional detention hearing.

*As added by P.L.1-1997, SEC.17.*

### **IC 31-34-5-5**

#### **Petition for additional detention hearings**

Sec. 5. A child detained under section 3 or 4 of this chapter or the child's parent, guardian, or custodian may petition the juvenile court for additional detention hearings.

*As added by P.L.1-1997, SEC.17.*